

IN THE DRAWINGS:

Please replace the drawings with the drawing replacement sheets (2 sheets) filed herewith. The drawing replacement sheets formalize the informalities in the original drawings. Applicant respectfully submits that no new matter has been entered.

Attachment: Replacement Drawing Sheets (two sheets).

REMARKS

Reconsideration of the above-identified application in view of the preceding amendments and following remarks is respectfully requested. By this Amendment, Applicant has amended Claims 1, 3-6, 10, and 19 herein to more particularly point out and define the subject matter regarded as inventive. Following these amendments, Claims 1-20 remain pending in this application. The specification has been amended to correct a typographical error. The drawings have been amended to correct the informalities in the drawings originally filed. No new matter has been added to the subject application, nor has any new issue been raised by these amendments. Support for the amendments herein can be found throughout the specification and drawings of the subject application.

Claim Rejections

A. Rejections Under 35 U.S.C. § 112

Claims 3, 4, and 6 were rejected under 35 U.S.C §112, second paragraph, as allegedly being indefinite. Specifically, Claims 3, 4, and 6 were rejected for lack of antecedent basis. All three Claims have been amended to provide sufficient antecedent basis and thereby obviate these rejections. Withdrawal of these rejections is respectfully requested.

B. Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, and 9 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,338,429 to Pesce. Applicant respectfully traverses these rejections.

Claim 1, as presently amended, recites a viewing platform for a portable electronic entertainment device having, among other things, an elongated base defining a front end

portion dimensioned and configured for attachment to a center console located between two adjacent seats and a rear end portion, wherein the front end portion and rear end portion are in substantially the same plane.

By contrast, Pesce discloses a viewing platform (10) for a portable electronic device (8) comprising an elongated base defining a front end portion (bottom half portion) and a rear end portion (top half portion), a stage (18) formed by a rectangular frame (28) provided at the rear end portion of the base for accommodating a portable electronic entertainment device, and a means (50/52) operatively associated with the front end portion of the base for securing the base to the floor of a vehicle. Pesce neither teaches nor suggests the front end portion (bottom half portion) and rear end portions (top half portion) in substantially the same plane. In contrast, Pesce teaches the rear end portion substantially higher than the front end portion, thus substantially out of the same plane. Further, Pesce teaches the top half portion is angled, further arranging it substantially out of the same plane with the bottom half portion.

In addition, Pesce neither teaches nor suggests an elongate base that defines, among other things, a front end portion dimensioned and configured for attachment to a center console located between two adjacent seats. Rather, Pesce merely discloses a television holding device, which is attached to the floor of a vehicle. The invention of Claim 1 is more distinct in its manner of attachment because it is dimensioned and configured to attach to a center console located between two adjacent seats. Pesce does not disclose or suggest the distinct configuration for attachment as recited in Claim 1.

For the foregoing reasons, Pesce fails to disclose each and every element of Claim 1. Accordingly, it is respectfully submitted that Claim 1, as currently amended, is patentably

distinguishable from Pesce. Moreover, dependent Claims 2, 4, and 9 recite additional elements that further distinguish these Claims from Pesce. For the foregoing reasons, it is respectfully requested that these rejections be withdrawn.

Claims 1-3, 7, and 9 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,205,452 to Mankey. Applicant respectfully traverses these rejections. Regarding Claims 1 and 2, it was alleged that Mankey discloses a viewing platform (10) comprising an elongated base defining a front end portion and a rear end portion, a stage (23) formed by a rectangular frame (sidewalls) provided at the rear end portion of the base, and means (40) operatively associated with the front end portion of the base for securing the base to a supporting structure.

In contrast, Claim 1, as currently amended, recites a viewing platform for a portable electronic entertainment device having, among other things, an elongated base defining a front end portion dimensioned and configured for attachment to a center console located between two adjacent seats. Mankey neither teaches nor suggests an elongated base defining a front end portion dimensioned and configured for attachment to a center console located between two adjacent seats. Rather, Mankey discloses an elongated base dimensioned and configured to sit on top of a seat. Further, the console disclosed by Mankey does not actually attach to anything, as does the structure recited in Claim 1. The Mankey console merely rests on top of a seat, solely relying on the pads (40/45) to keep it from sliding laterally or back and forth on the car seat (see Col. 3, Lines 65-68). So, for example, in the event of a bump in the road, the car console of Mankey could freely bounce up off the seat. Mankey, therefore, does not teach or suggest all of the elements of the Claim 1 as amended.

Accordingly, it is respectfully submitted that Claim 1, as currently amended, is patentably distinguishable from Mankey. Dependent Claims 2-3, 7, and 9 each recite additional elements that further patentably distinguish these claims from Mankey. For the foregoing reasons, it is respectfully requested that these rejections be withdrawn.

Claims 1, 2, 5, 6, 9-11, 14, 15, and 18-20 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,512,503 to Gioso. Applicant respectfully traverses these rejections.

Claim 1 as presently amended recites a viewing platform for a portable electronic entertainment device having, among other things, an elongated base defining a front end portion dimensioned and configured for attachment to a center console located between two adjacent seats and a rear end portion, wherein the front end portion and rear end portion are in substantially the same plane, and a stage provided at the rear end portion of the base configured and adapted to present a portable electronic entertainment device to persons situated behind the two adjacent seats.

By way of contrast, Gioso discloses a travel organizer (10) comprising an elongated base defining a front end portion (and a rear end portion), a stage (38) formed by a rectangular frame (sidewalls) provided at the rear end portion of the base, and a means (94/96/98/106) operatively associated with the front end portion of the base for securing the base to a car seat. Gioso neither teaches nor suggests the front end portion dimensioned or configured for attachment to a center console located between two adjacent seats. Rather, Gioso (like Mankey above) merely discloses an organizer positioned on top of the vehicle seat itself.

The travel organizer of Gioso ultimately fails to anticipate the structure recited Claim 1 because the organizer as described is wholly unsuited for attachment by any means to a

center console. The organizer is not configured for attachment to a center console because indeed the organizer is itself a console. It has all the indicia of serving the purposes of a typical center console. It has a hinged door 28 that opens to a storage compartment. It has a change holder 68. It has ample structures 48, 76 allowing it to hold numerous beverages. It has cassette recesses 44 for organizing cassettes. These and other structures found on the organizer are all typical of center consoles. Thus to suggest attachment of the organizer 10 to a center console is effectively to suggest attaching a center console to a center console. Thus since the very structure of organizer 10 is redundant with a center console, it is not configured for attachment to a center console. As such, the structure of organizer 10 also cannot adequately provide a stage configured to present a portable electronic entertainment device to persons situated behind the two adjacent seats since it is not configured for attachment to the center console. Also, installing a bulky device such as Gioso's organizer to an existing center console would likely interfere with the use of the existing console. For all of the foregoing reasons Gioso fails to teach or suggest each and every element recited in Claim 1.

Claim 10 is also not anticipated by the teachings of Gioso. Claim 10, as currently amended, recites a viewing platform for a portable video player for use within a vehicle having front bucket seats and a rear seating area, the viewing platform including, among other things, an elongated base defining a front end portion dimensioned and configured for attachment to a center console located between front bucket seats the vehicle and a rear end portion dimensioned and configured to project into the rear seating area of the vehicle in a cantilevered manner.

Gioso, on the other hand, neither discloses nor suggests the front end portion dimensioned and configured for attachment to a center console located between front bucket seats of a vehicle. Rather, Gioso merely discloses attaching an organizer on top of the vehicle seat itself. Moreover, the organizer of Gioso is not a structure configured to attach to a center console because of the inherent redundancy. Further, Gioso neither suggests nor discloses a rear end portion dimensioned and configured to project into the rear seating area of the vehicle in cantilevered manner. Rather, the device in Gioso is confined to the seat itself and the cantilevered portion does not project from a center console between front bucket seats of a vehicle into the rear seating area at all. So Gioso does not teach or suggest each and every element recited in Claim 10.

Finally, Claim 19 is contrary to the disclosure in Gioso. Claim 19, as currently amended, recites a viewing platform for a portable video player comprising, among other things, an elongate base having a longitudinal axis and defining a front end portion dimensioned and configured for attachment to a supporting structure located between two adjacent seats and a rear end portion, and at least one channel formed in an upper surface of the base, within the front end portion thereof, and extending perpendicular to the longitudinal axis thereof.

For similar reasons to those discussed above, Gioso neither teaches nor suggests the front end portion dimensioned and configured for attachment to a supporting structure located between two adjacent seats as presently recited in Claim 19. Gioso does teach a travel organizer that sits on top of the seat of a vehicle, but Gioso does not teach anything dimensioned or configured for attachment to a supporting structure located between two adjacent seats.

Moreover, Gioso neither teaches nor suggests at least one channel formed in an upper surface of the base. Gioso allegedly teaches the use of channels (96 or 98), but not on an upper surface of the base and not extending perpendicular to the longitudinal axis of the upper surface. To the contrary, anything disclosed in Gioso that can be construed as a channel (96, 98, 100, 102, or 104) is confined to the bottom of the disclosed organizer. One apparent reason for Gioso confining the channels to the bottom of the organizer is that if channels such as those recited in Claim 19 extended across the top of the organizer, the hinged track lid 28, hinge 30, and locking flap 54 would all be rendered inoperable during use of the channels because they would be blocked by straps. Thus the disclosure of channels in Gioso does not teach or suggest the channels of Claim 19 as presently amended.

Therefore, for all of the foregoing reasons, Gioso does not teach or disclose each and every element presently recited in Claim 19.

Accordingly, it is respectfully submitted that Claims 1, 10, and 19 as currently amended, are patentably distinguishable from Gioso. Similarly, dependent Claims 2, 5, 6, 9, 11, 14, 15, 18, and 20 each recite features that further distinguish the prior art of record. Applicant respectfully submits that the prior art taken individually or collectively does not disclose, teach or suggest each and every element of these claims. For the foregoing reasons, it is respectfully requested that these rejections be withdrawn.

B. Rejections Under 35 U.S.C. § 103(a)

Claim 8 was rejected under 35 U.S.C. §103(a) over either of U.S. Patent No. 6,338,429 to Pesce, or U.S. Patent No. 5,205,452 to Mankey and in view of U.S. Patent No. 6,874,667 to Dykstra et al. Prior to the present amendment, the Examiner stated that Mankey

and Pesce each disclosed the invention claimed in Claim 8 except the base being constructed of wood. Applicant respectfully traverses these rejections.

Applicant respectfully submits that the point is now moot in light of the present amendments. Specifically, Claim 1, as presently amended, is directed to a viewing platform comprising, among other things, a front end portion dimensioned and configured for attachment to a center console located between two adjacent seats. As discussed in detail above, neither Mankey nor Pesce teach or suggest a viewing platform comprising a front end portion dimensioned and configured for attachment to a center console located between two adjacent seats. Dykstra does not disclose such a front end portion either. Thus these references, alone or in combination, do not disclose, teach, or suggest each and every element recited in Claim 1.

Claim 8 recites additional elements that further distinguish the prior art over Claim 1. Thus, even in light of Dykstra et al., Mankey and Pesce do not disclose, teach or suggest, either alone or in combination, in whole or in part, each and every element of Applicant's invention in Claim 8 as presently recited. As such, a *prima facie* case of obviousness does not exist with respect to Claim 8. Based on the above amendments and remarks, Applicant respectfully requests for these rejections under 35 U.S.C. § 103 to be withdrawn.

Claims 1-3, 5-7, 9-12, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,205,452 to Mankey and in view of U.S. Patent No. 4,512,503 to Gioso, and in further view U.S. Patent No. 6,293,447 to Jorgensen. Applicant respectfully traverses these rejections.

Applicant respectfully submits that these references do not teach or disclose each and every element of the invention as presently claimed. Currently, Claims 1, 10, and 19, as

amended, each recite a front end portion dimensioned and configured for attachment to a center console or supporting structure located between two adjacent/bucket seats. It has been established above that Mankey and Gioso fail to disclose this element. Rather, both Mankey and Gioso disclose devices configured and adapted for sitting on top of the seat itself. In addition, Mankey and Gioso fail to disclose a stage at the rear end portion of the base configured and adapted to present a portable electronic entertainment device to persons situated behind the two adjacent seats, recited in amended Claim 1. Nor do these references disclose the rear end portion dimensioned and configured to project into the rear seating area of the vehicle in a cantilevered manner, as recited in amended Claim 10. Mankey and Gioso also fail to disclose at least one channel formed in an upper surface of the base, as recited in amended Claim 19.

Jorgensen does not remedy the deficiencies present in Mankey and Gioso. Specifically, Jorgensen does not disclose a stage provided at the rear end portion of the base being configured and adapted to present a portable electronic entertainment device to persons situated behind the adjacent seats, as presently recited in Claim 1. Nor does Jorgensen disclose the rear end portion being dimensioned and configured to project into the rear seating area of the vehicle in a cantilevered manner, as recited in Claim 10, as amended. Simply put, none of the references alone or in combination teach or suggest a viewing platform that presents or projects a portable electronic entertainment device to a person in back. So as to Claims 1 and 10, the references alone and together do not fully disclose each and every element recited in the Claims.

As to Claim 19, the Examiner has asserted that Gioso teaches the use of channels (96 or 98) on an upper surface of the base, which in combination with Mankey and Jorgensen

constitutes obviousness. Applicant respectfully traverses this assertion. In addition to Mankey and Gioso failing to disclose the channels of Claim 19, as discussed above, Jorgensen also fails to teach or suggest the channels. Indeed, Gioso, Mankey, and Jorgensen together do not teach or suggest these elements recited in Claim 19, as presently amended.

Further, Applicant respectfully submits that modifying Gioso to have the channels on the upper surface of the base is an improper rationale for combining Gioso, Mankey, and Jorgensen. As discussed above, using channels in the upper surface of Gioso's organizer, as recited in Claim 19 would prevent functional use of the hinged track lid 28, hinge 30, and locking flap 54. Thus Gioso teaches away from having channels in the upper surface of the base and the proposed modification would render Gioso's organizer unsatisfactory for its intended purpose. See MPEP § 2145(X)(D).

Furthermore, Applicant respectfully submits that Mankey, Gioso, and Jorgensen are not properly combinable because there is no motivation to do so. "[T]here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings." MPEP § 2145(X)(C). It is submitted that there is no motivation to modify Mankey and Gioso in view of Jorgensen to arrive at the Applicant's invention in Claims 1, 10, and 19 as presently amended. Moreover, even if Gioso and the other references relied upon were properly combinable, whole portions of Applicant's claimed invention would still be missing from such a combination.

It is also submitted that Claims 1, 10, and 19 are further patentable because "[t]he references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention." MPEP § 2141(II)(C). Here, maintaining the rejections would

require basing the rejection on “knowledge gleaned only from applicant’s disclosure” because whole elements of Applicant’s invention as presently recited in Claims 1, 10, and 19 are missing from the prior art. MPEP § 2145(X)(A). Any attempt to fill in those missing elements using Applicant’s disclosure is therefore impermissible hindsight. MPEP § 2145(X)(A).

For all of the foregoing reasons a *prima facie* case of obviousness does not exist with respect to Claims 1, 10, and 19.

Dependent Claims 2, 3, 5-7, 9, 11, 12, 14-16, 18 and 20 each recite claimed features of the invention that further distinguish the prior art of record over Claims 1, 10, and 19. Applicant respectfully submits that the prior art taken individually or collectively does not disclose, teach or suggest each and every element of these claims.

Thus, the references relied upon by the Examiner do not disclose, teach or suggest, either alone or in combination, in whole or in part, each and every element of Applicant’s invention as presently claimed in Claims 1-3, 5-7, 9-12, 14-16, and 18-20. As such, a *prima facie* case of obviousness does not exist with respect to any of these claims as presented. Based on the above amendments and remarks, Applicant respectfully requests for these rejections under 35 U.S.C. § 103 to be withdrawn

Claims 4 and 13 were rejected under 35 U.S.C. §103(a) over a modified U.S. Patent No. 5,205,452 to Mankey (as addressed above) and in view of U.S. Patent No. 6,338,429 to Pesce. Prior to the present amendments, the Examiner rejected Claims 4 and 13 as allegedly being obvious because a modified Mankey platform with the roughened surface of Pesce would have been obvious. Applicant respectfully traverses these rejections.

Applicant respectfully submits that these rejections are now moot in light of the present amendments. Specifically, Claims 1 and 10, as amended, each claim a viewing platform having, among other things, a front end portion dimensioned and configured for attachment to a center console located between two adjacent/bucket seats. Claim 4 further distinguishes the invention beyond the elements of Claim 1, and Claim 13 further distinguishes the invention recited in Claim 10. It has been established above that neither Mankey nor Pesce teach or suggest a viewing platform having, among other things, a front end portion dimensioned and configured for attachment to a center console or supporting structure located between two adjacent/bucket seats, as recited in Claims 1 and 10. Thus, the references alone or in combination, do not disclose each and every element recited in Claims 1 and 10. *A fortiori*, even in light of the modifications in Gioso, the cited references fail to disclose or suggest each and every element of Claims 4 and 13, under the present amendments.

As such, a *prima facie* case of obviousness does not exist with respect to Claim 4 and 13. Based on the above amendments and remarks, Applicant respectfully requests for these rejections under 35 U.S.C. § 103 to be withdrawn.

Claims 8 and 17 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,205,452 to Mankey (as modified per the discussion above), in view of U.S. Patent No. 6,874,667 to Dykstra et al. Applicant respectfully traverses these rejections.

Prior to the present amendment, the Examiner stated that Mankey disclosed the invention claimed in Claims 8 and 17 except the base being constructed of wood. Applicant respectfully submits that the point is now moot in light of the present amendments. Claims 1 and 10, as presently amended, each recite a viewing platform comprising, among other

things, a front end portion dimensioned and configured for attachment to a center consol located between two adjacent/bucket seats. Claim 8 further distinguishes the invention beyond the elements recited in Claim 1 and Claim 17 further distinguishes the invention beyond the elements recited Claim 10. It is once again respectfully pointed out that Mankey does not suggest a viewing platform having, among other things, a front end portion dimensioned and configured for attachment to a center console located between two adjacent/bucket seats, as recited in Claims 1 and 10, as amended. The Patent to Dykstra et al. does not disclose such a viewing platform either. Thus the references together do not disclose each and every element recited in Claim 1 or 10. *A fortiori*, even in light of Dykstra et al., the cited references fail to disclose or suggest each and every element of Claims 8 and 17, under the present amendments.

As such, a *prima facie* case of obviousness does not exist with respect to Claims 8 and 17. Based on the above amendments and remarks, Applicant respectfully requests for these rejections under 35 U.S.C. § 103 to be withdrawn.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Conclusion

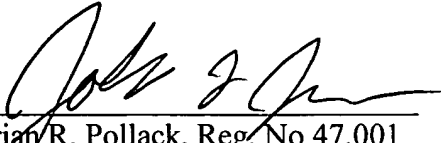
Applicant respectfully submits that none of the prior art of record, alone or in combination, discloses or suggests Applicant's invention as presently claimed. Based upon the foregoing, favorable consideration of Claims 1-20 is respectfully requested. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which

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should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 60056 (50035).

Respectfully submitted,

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